

FORM PTO 1390  
(REV 5-93)

US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER  
2005\_0480ATRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. §371U.S. APPLICATION NO.  
(if known, see 37 CFR 1.55)  
NEW **10/529147**International Application No.  
PCT/JP03/12133International Filing Date  
September 24, 2003Priority Date Claimed  
September 24, 2002**Title of Invention**

OPTICAL RECORDING MEDIUM AND RECORDING APPARATUS THEREOF

**Applicant(s) For DO/EO/US**

Yasumori HINO; Tetsuya AKIYAMA; Noboru YAMADA; and Mitsuru MORIYA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. §371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau. **ATTACHMENT A**
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. §371(c)(2)). **ATTACHMENT B**
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19.
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

**Items 11. to 14. below concern other document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. **ATTACHMENT C**
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment. **ATTACHMENT D**  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☒ Other items or information:
  - Unexecuted Declaration and Power of Attorney along with cover letter **ATTACHMENT E**
  - Cover Page of Published International Application No. WO 2004/029943 **ATTACHMENT F**
  - Form PCT/IB/304 **ATTACHMENT G**

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO 23-0975

U.S. APPLICATION NO. 10/52147  
NEWINTERNATIONAL APPLICATION NO.  
PCT/JP03/12133ATTORNEY'S DOCKET NO.  
2005\_0480A

15. [X] The following fees are submitted

Basic National Stage Fee .....	\$300.00
National Stage Search Fee .....	\$400.00
National Stage Examination Fee .....	\$200.00
Specification/drawings in excess of 100 pages (units of 50 x \$250.00) = .....	\$

CALCULATIONS

PTO USE ONLY

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$900.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

Claims

Number Filed

Number Extra

Rate

Total Claims

23 -20 =

3

X \$50.00

\$150.00

Independent Claims

2 -3 =

--0--

X \$200.00

\$

Multiple dependent claim(s) (if applicable)

+ \$360.00

\$

**TOTAL OF ABOVE CALCULATIONS =**

\$1050.00

☐ Small Entity Status is hereby asserted. Above fees are reduced by 1/2.

\$

**SUBTOTAL =**

\$1050.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

+

\$

**TOTAL NATIONAL FEE =**

\$1050.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +

\$

**TOTAL FEES ENCLOSED =**

\$1050.00

f1

Amount to be refunded

\$

Amount to be charged

\$

a. [X] A check in the amount of \$1050.00 to cover the above fees is enclosed. A duplicate copy of this form is enclosed.

b. ☐ Please charge my Deposit Account No. 23-0975 in the amount of \$\_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0975.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

19. CORRESPONDENCE ADDRESS

CUSTOMER NO.

000513

By:

*Michael S. Huppert*Michael S. Huppert,  
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March 24, 2005

[CHECK NO. 67329]

[2005\_0480A]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Yasumori HINO et al. : **Mail Stop: PCT**  
Serial No. NEW : Attorney Docket No. 2005\_0480A  
Filed March 24, 2005 :  
OPTICAL RECORDING MEDIUM AND  
RECORDING APPARATUS THEREOF  
[Corresponding to PCT/JP03/12133  
Filed September 24, 2003]

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

**COVER LETTER FOR APPLICATION FILED  
WITHOUT EXECUTED DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application has been submitted without an executed oath or declaration pursuant to 37 CFR 1.41(c).

It is respectfully requested that this application be assigned a serial number and awarded a filing date pursuant to 37 CFR 1.53.

A duly executed oath or declaration pursuant to 37 CFR 1.63 will be submitted after notification by the U.S. Patent and Trademark Office pursuant to 37 CFR 1.53(f).

A non-executed copy of the Declaration and Power of Attorney, containing the inventorship information, is attached. It is respectfully requested that all communications be directed to the firm indicated on the attached Declaration and Power of Attorney, namely:

WENDEROTH, LIND & PONACK, L.L.P.  
2033 K Street, N.W., Suite 800  
Washington, D.C. 20006-1021

ATTACHMENT "E"

The required U.S. Patent and Trademark Office Filing Fee is submitted herewith.

Respectfully submitted,

Yasumori HINO et al.

By Michael S. Huppert  
Michael S. Huppert  
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March 24, 2005